

March 17, 2010

Testimony for Assembly Bill 837

Public Hearing Committee on Tourism, Recreation and State Properties

Dear Chairman and Committee Members thank you for allowing be to comment on AB 837.

My name is Rob McConnell, VP of the Wisconsin ATV Association.

Support for this legislation will allow a person under the age of 12 to operate an ATV any place that it is legal to operate an ATV. Provided that person under the age 12 is operating a small ATV (under 90cc) and that they are accompanied by their parent or guardian or a person who is at least 18 years of age who is designated by the parent or guardian.

With this change an Aunt, Uncle, Grandfather, etc. will be able to accompany a youth (under 12) on a trail ride or just allowing that youth to operate an ATV on that person's property.

I have been an ATV Instructor for both the DNR and ATV Safety Institute for over 20 years. In the past we have had no legal mechanism to provide that training for youth. With the passage of this bill this will become lawful.

Under the current law youth are allowed to operate an ATV without a helmet when they are hunting or fishing, this is a pointless exemption as who would fish from a moving ATV and it is illegal to hunt from one already.

Everyone under 18 should wear a helmet when operating an ATV.

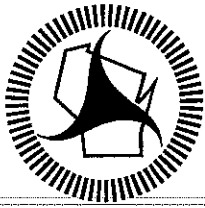
With all the distractions of electronic games and gadgets, having an activity that gets kids outside and recreating with their entire family on the trail, is a great escape. Riding an ATV develops hand and eye coordination and depth perception. As children age their strength will increase and they will be able to ride longer between rest stops.

To get an idea of the size of a small (youth) ATV see the attached photo of Max riding when he was 6 years old.

Thank for allowing me to comment on legislation that will help protect our youth, and allow families to recreate together in Wisconsin, we ask for your support of this important legislation.

Thank you





Wisconsin Department of Transportation

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Date: March 17, 2010

To: Rep. Terry Van Akkeren, Chair, Assembly Committee on Tourism, Recreation and State Properties

From: Dennis Hughes, Chief, Safety Programs Section, Wisconsin State Patrol

Subject: Opposition to Assembly Bill 837

AB-837 would allow a child under age 12 to operate a "small ATV" *[defined in s.23.33(1)(jp) as a 4-wheel ATV having an engine certified at not more than 90 cubic centimeters or an equivalent power unit]*, if "accompanied" *[defined in s.23.33(1)(a) as meaning subject to continuous verbal direction/control]* by their parent/guardian or a designee at least age 18, in any place that any other person may operate an ATV.

The Department respectfully registers its opposition to AB-837 because it would, in effect, allow children under age 12 to operate a motorized device in/on/across a public roadway.

Children this young simply cannot be expected to have an adequate grasp of the rules of the road or the hazards posed by sharing a roadway with larger/faster vehicles.

Although small ATV's are usually equipped with a speed limiter/governor that can be used to limit speed to as low as 5 mph, and some are also equipped with remote control start/stop/alarm features, state law does not require the use of a speed limiter, nor does it require the use of remote control start/stop/alarm features by the parent/guardian or older companion of the child.

Without a speed limiter engaged, according to retailer claims, the largest of the "small ATVs" (90 cc engine displacement) typically have maximum speeds of 30 mph. At least one retailer of the Hensim 90cc Razorback® ATV claims the device has a maximum speed of 46 mph.
<http://www.extrememotorsales.com/Hensim-90cc-Atv.htm>



AMY SUE VRUWINK
STATE REPRESENTATIVE

To: Assembly Committee on Tourism, Recreation, and State Properties

From: Rep. Amy Sue Vruwink

Re: Assembly Bill 837

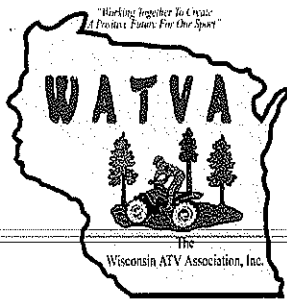
Date: March 17, 2010

Thank you Chairman Van Akkeren and members of the committee for holding the hearing today Assembly Bill 837, which is a companion bill to Senate Bill 606, authored by Senator Jeff Plale.

The intent of this legislation is to make enhance safety regulations for young operators of ATV's as long as there is adequate adult supervision. ATV use and ATV trails continue to grow throughout the state and it is a sport enjoyed by many families. The Wisconsin ATV association requested this legislation to address shortcomings in current ATV laws. The areas of the law which they seek to improve relate to age requirements, helmet requirements and safety certificate requirements.

Earlier this year I authored Assembly Bill 574, which was signed into law by Governor Doyle as 2009 Wisconsin Act 157. I authored that legislation, which addresses the use and operation of Lightweight Utility Vehicles, for many of the same reasons that I agreed to introduce Assembly Bill 837.

We are seeing an increase in the use of all-terrain and off-road vehicles throughout the state for both business and pleasure. It would be wrong to ignore that reality without addressing legitimate safety and use concerns brought forth by the very groups who represent the operators of these vehicles. I seek your support for Assembly Bill 837 to help ensure that the next generation of ATV operators will learn to use them safely and wisely under the supervision of responsible family members.



Public Hearing
3/17/10

Assembly Committee on Tourism, Recreation & State Properties

Testimony provided by Randy Harden of the Wisconsin ATV Association (WATVA)

Chair – Representative Terry Van Akkeren

Representatives Fred Clark, Marlin Schneider, Ann Hraychuck, Steve Hilgenberg, Dean Kaufert, Garey Bies, Karl Van Roy, & Mary Williams

Re: AB 837 & SB 606 - Relating to age restrictions, headgear requirements, and safety certificate requirements regarding the operation of an all-terrain vehicle

Requesting your support for this bill

Thank you for the opportunity to testify and for your consideration to help us update and improve our ATV registration program.

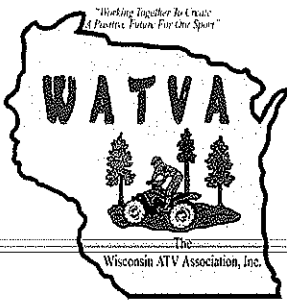
I would like to share with you some background perspective as to why the leaders in our association have asked for these law changes. Large segments of our local club members are DNR certified ATV safety instructors and Trail Patrol Ambassadors, currently 679 at this time to be exact.

These hard working dedicated volunteers are on the front lines of our sport. We interact with the youth and their parents in the safety classes as instructors and while out riding on the trail systems serving our duties as trail patrol ambassadors. Our everyday experiences in this field tell us the ATV statutes need to be updated, reflecting the increased numbers of riders in the program.

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I would also like to note that this bill was drafted with the participation of our DNR Bureau of Law Enforcement ATV administrator. We proudly work alongside of and in cooperation with our warden force as they also serve a very important role in educating our youth and adults alike, whether at our safety classes or by enforcing the law out on the trail systems.

This bill has some parts that are asking for more safety restrictions. Some parts of the bill are aimed at making the law more consistent, while other changes may appear to be less restrictive if not familiar with how the ATV recreational family enjoys their time in the great outdoors of Wisconsin.

It should be noted our organization does not wish to infringe on or change the agricultural parameters and use of the workhorse all-terrain vehicle on the farm. Our goal is to protect and improve the recreational and family use side of the sport.

I have provided an executive summary reference from the Wisconsin Dept. of Tourism; survey results of an economic and demographic profile of Wisconsin ATV users. The study is somewhat dated but I contend still pertinent as it applies to **Trip Characteristics** at the bottom of page 2. ATVers enjoy riding with family and friends as highlighted. As the age of the typical ATV owner continues to increase, the "baby boomers" now enjoy riding with their adult kids but are also a positive influence and role model with and for their grandkids. When the original laws were written in the mid-1980's who could have predicted the widespread popularity of the all-terrain vehicle? This bill allows for a common sense adjustment that reflects on today's riders and their different age groups.

As it applies to small ATV riders under the age of 12 (smaller engines & frames) we are asking the change in wording for the parent / adult to go from "**being supervised**" to the more stringent "**accompanied by**". This change requires the parent / adult to have *continuous* verbal direction and or control of the youth.

Currently grandparents (or uncle and aunts / family friends) **cannot** legally "accompany" instruct or ride with a youth under age 12 on any property but the youth's immediate family land. Only a parent can "accompany" that same youth

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on state trails. In today's society we recognize the reality that grandparents and other family members and friends are an integral part of our younger children's lives. This bill provides for the reality of today's intergenerational families.

Another reality is our state has a lot of wetlands and waterways. Our ATV trail systems have many rural forest type road routes the ATV trail system uses small sections of to cross bridges and to bypass wetlands. These sections are classified as "road routes".

The small ATV'er safely and legally rides behind mom and/or dad out on the trail but when they get to the routes the parent have to figure out how to legally meet the letter of the law, turn around or choose to break the law. We recognize that a route is a route whether on a paved town road or a graveled county forest road that rarely sees auto traffic. The key in protecting the youth is parental or parental approved adults being required to "accompany" the same youth for the entire ATV experience, whether on trails or routes as part of the system.

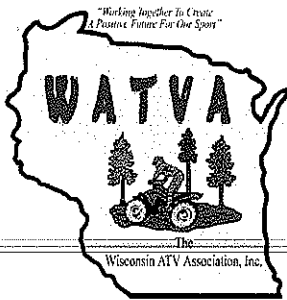
As my testimony stated previously, who could have predicted the explosion in growth of the ATV industry? Current law requires the older youth that has reached the age of 12 to take and pass a DNR ATV safety class before they can ride our trail systems. These kids are larger in size and are can operate larger ATVs; however they are now permitted to ride any road route with no parent oversight, road traffic training or adult involvement. Our group recognizes this law needs to be changed. Per the amendment that was inadvertently omitted during multiple drafting changes, we request youth that are driving on road routes under the age of 16 be required to have a parent or parent designated adult accompany them on routes.

The off-highway vehicle motorsports industry is big business in Wisconsin. We have a major manufacturing plant within our borders, we have well over 250 dealerships and repair shops that employ thousands. Some campgrounds and resorts, motels and other trail related businesses cater to the ATV riders as their source of income. Like any other business, this industry must market their products and find a way to get new customers. That is often done by having ATV demonstrations.

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This bill provides a common sense solution with the utmost in safety of the participant. In 2004 we supported and encouraged the mandatory ATV safety training that is enforced today but there was no exemption for those citizens that have not yet purchased an ATV.

Lastly, my safety instructors and patrollers stress the importance of helmets for all riders recognizing Wisconsin helmet laws are mandated for riders under the age of 18. For some reason, back in the mid-1980s when the original ATV laws were passed, there was a helmet exemption for youth under age 18 if they were using their ATV for hunting or fishing purposes. That exception is being abused by a growing number of youthful riders. A person using their ATV for hunting purposes can't hunt from the ATV anyway, my membership requests this exception be removed so the current helmet law is consistent.

Our organization strongly favors this bill and requests your support.

Thank you again for this opportunity to help us manage this recreational sport and industry for the betterment of Wisconsin.



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SENATOR JEFF PLALE
SEVENTH SENATE DISTRICT

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**Testimony of Senator Jeff Plale
Assembly Bill 837
Assembly Committee on Tourism, Recreation, and State Properties
Wednesday, March 17, 2010**

Thank you Chairman Van Akkeren and members of the committee for your consideration of this bill.

AB 837 helps make the sport of riding ATVs more accessible to all age groups while enhancing safety measures. I am introducing this bill at the request of the Wisconsin ATV Association. It addresses several ATV laws relating to age requirements, helmet requirements, and safety certificate requirements.

The first provision also comes at the request of a constituent of mine who asked that I update state statutes regarding children under 12 operating ATVs.

- Current law does not allow youth under the age of 12 to operate an ATV unless they are accompanied by their parent.
- This legislation allows children under the age of 12 to operate ATVs any place people can operate an ATV provided that they are operating a small ATV (90cc or less) and they are accompanied by their parent, guardian, or an adult who is designated by the parent or guardian.
 - This provision will only apply in cases where current law requires the accompaniment of children under the age of 12.

The second provision relates to road routes. (These are state funded ATV trails that permit vehicular traffic and ATVs to interact for certain distances.) In recent years, there has been a significant increase in road routes.

- Currently, children ages 12 to 15 who have absolutely no training in vehicular interaction can operate ATVs on these road routes with no supervision. Current law also prohibits children under the age of 12 from operating ATVs on these road routes under any circumstances, even if they are operating an ATV that is a husbandry implement.
- This legislation allows youth under the age of 16 to operate an ATV on road routes for any reason if they are accompanied by a parent or designee.



~~The third provision relates to helmet requirements.~~

- Under current law exemption, children under the age of 18 do not have to wear a helmet as long as they are using the ATV for hunting or fishing purposes.
- This legislation removes this exemption.

The fourth provision relates to ATV demonstration events.

- Current law makes it technically illegal for certain people to drive ATVs at these events if that person has not earned a safety certificate.
- This legislation provides a safety certificate exemption for people who ride ATVs at demonstration events. This legislation also defines what constitutes a demonstration event.
 - Demonstration events must be sponsored by an ATV dealer, an ATV club, the state, a city, village, town, or county. At demonstration events, a person under the age of 18 must be accompanied by a parent or designee and people must wear a helmet and ride in a closed-course area at a speed not exceeding 15mph.

The fifth provision relates to safety certification.

- Current law states that a person must have a valid safety certificate on them at all times while operating an ATV. Right now, there is an exemption for people taking a DNR safety class since they are taking the class in order to earn the certificate.
- This bill expands this exemption to include students who take classes through ATV education programs approved by the DNR.

Thank you for hearing my testimony on AB 837, and I will be happy to answer any questions you may have.